

Gorsuch as “one of the most thoughtful and brilliant judges to have served our nation over the last century.” Over the last century. That is President Obama’s Supreme Court lawyer.

The left-leaning Denver Post recently highlighted Judge Gorsuch’s reputation as a “brilliant legal mind” who applies the law “fairly and consistently.”

I am happy to report that we have even been assured by liberal talk show host Rachel Maddow that Gorsuch is “a relatively mainstream choice.” Rachel Maddow.

Turns out, in the years since Judge Gorsuch’s unopposed Senate confirmation, he has shown himself to be the very kind of judge everyone hoped he would be, one who demonstrates a “sense of fairness and impartiality” that Democratic then-Senator Salazar lauded him for in 2006, which Salazar called a “keystone for being a judge.” That was the Democratic Senator from Colorado when he was confirmed in 2006.

That was Judge Neil Gorsuch’s reputation back then, and it is his richly deserved reputation still, as those in both parties who have known and worked with him continue to tell us. As one Democrat and Denver attorney put it, Judge Gorsuch is “smart [and] he’s independent.” The things we have heard from so many about Judge Gorsuch—smart and independent, fair and impartial, thoughtful and brilliant—are just the qualities we should expect in our next Supreme Court Justice. They are the same qualities I am confident Judge Gorsuch will bring to the Court.

CONGRESSIONAL REVIEW ACT RESOLUTIONS

Mr. MCCONNELL. Mr. President, this Republican-led Congress is committed to fulfilling our promises to the American people. That work continues now as we consider legislation to push back against the harmful regulations from the Obama administration. On its way out the door, the Obama administration forced nearly 40—40—major and very costly regulations on the American people. Fortunately, we now have the opportunity to work with a new President to begin bringing relief from those burdensome regulations.

Last night, the House sent us two resolutions under the Congressional Review Act—one of the best tools at our disposal to undo these heavy-handed regulations.

This afternoon, the Senate will have the opportunity to pass the first of these resolutions, a measure to overturn the stream buffer rule. The resolution before us now is identical to the one I introduced earlier this week, and it aims to put a stop to the former administration’s blatant attack on coal miners. In my home State of Kentucky and others across the Nation, the stream buffer rule will cause major damage to communities and threaten

coal jobs. One study actually estimated that this regulation would put as many as one-third of coal-related jobs at risk. That is why the Kentucky Coal Association called it “a regulation in search of a problem.” They joined with the United Mine Workers of America and the attorneys general of 14 States on both sides of the aisle urging Congress to act. We should heed their call now and begin bringing relief to coal country. Today’s vote on this resolution represents a good step in that direction.

Once our work is complete on this legislation, we will turn to another House-passed resolution that will protect American companies from being at a disadvantage when doing business overseas. Although the Securities and Exchange Commission may have had good intentions, the resource extraction rule costs American public companies up to nearly \$600 million annually and gives foreign-owned businesses in Russia and China an advantage over American workers. We all want to increase transparency, but we should not raise costs on American businesses, only to benefit their international competition. Let’s send the SEC back to the drawing board to promote transparency without the high costs or negative impacts on American businesses.

These CRA resolutions keep the interests of American families and workers in mind. Today, we will continue to chip away at the regulation legacy of the Obama years, with more CRA resolutions in the coming days as well.

Let’s pass these two resolutions without delay so we can send them to the President’s desk and continue giving the power back to the people.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

NOMINATION OF NEIL GORSUCH

Mr. SCHUMER. Mr. President, I spoke at length about the Supreme Court nomination yesterday, but I just want to underscore a few points. We in the Senate have a constitutional duty to examine the record of Judge Gorsuch robustly, exhaustively, and comprehensively, and then advise and consent, as we see fit. We have a responsibility to reject if we do not.

We Democrats will insist on a rigorous but fair process. Part of that process entails 60 votes for confirma-

tion. Any one Democrat can require it. Many already have. It was a bar met by each of Obama’s nominations; each received 60 votes. Most importantly, it is the right thing to do. And I would note that a 60-vote threshold was reached by each of them either in cloture or in the actual vote.

On a subject as important as a Supreme Court nomination, bipartisan support is essential and should be a prerequisite. That is what a 60-vote threshold does; 60 votes produces a mainstream candidate. And the need for a mainstream consensus candidate is greater now than ever before because we are in major new territory in two ways.

First, because the Supreme Court, under Chief Justice Roberts, has shown increasing drift to become a more and more pro-business Court—siding more and more with corporations, employers, and special interests over working and average Americans—we need a mainstream nominee to help reverse that trend, not accelerate it. I will remind my colleagues, that is how President Trump campaigned, but his nominee seems not to be in that direction at all—not for the average working person but, rather, for special business interests.

Second, given that this administration—at least at its outset—seems to have less respect for the rule of law than any in recent memory and is testing the very fabric of our Constitution within the first 20 days, there is a special burden on this nominee to be an independent jurist, someone who approaches the Court without ideological blinders, who has a history of operating outside and above politics, and who has the strength of will to stand up to a President who has already shown a willingness to bend the Constitution.

Requiring 60 votes has always been the right thing to do on Supreme Court nominations, especially in these polarized times. But now in this new era of the Court, in this new administration, there is an even heavier weight on this tradition. And if the nominee cannot gain the 60 votes, cannot garner bipartisan support of some significance, then the answer is not to change the rules; the answer is to change the nominee and find someone who can gain those 60 votes.

Changing the rules for something as important as the Supreme Court gets rid of the tradition, eliminates the tradition of mainstream nominees who have bipartisan support. It would be so, so wrong to do. I know many of my colleagues on the other side are hesitant to do it, and I hope they will remain strong in that regard.

NOMINATIONS OF BETSY DEVOS AND ANDREW PUZDER

Mr. SCHUMER. Now, on another matter, the pending nominations of the President’s Cabinet, again, we are in